

CAN-SPAM

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003

FCC

Consumer Facts

Background

Electronic mail ("e-mail") has become an important and popular way to communicate. Millions of consumers rely on e-mail every day to communicate at work and at home. Since more consumers are using the Internet, marketers are using e-mail to sell products and services. Many consumers find unsolicited e-mail – also known as "spam" – annoying and time consuming. Consumers are increasingly expressing concern over the growing number of unsolicited commercial e-mail, as well as fraudulent and/or pornographic messages, that they receive.

CAN-SPAM

Congress enacted a new law, entitled the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003" ("CAN-SPAM"), which took effect on January 1, 2004. It imposes limitations and penalties on the transmission of unsolicited commercial e-mail via the Internet. The Federal Trade Commission (FTC) and the states' Attorneys General are responsible for enforcing most of the provisions of the CAN-SPAM Act.

The CAN-SPAM Act has **provisions** that commercial e-mail senders must follow, including:

- **Identification** – Unsolicited e-mail must be clearly identified as solicitations or advertisements for products and services.
- **Offering an Opt-Out Option** – Commercial e-mail senders must provide easily-accessible, legitimate ways for recipients to "opt-out" of receiving future messages from them.
- **Return Address** – Unsolicited e-mail must contain **legitimate** return e-mail addresses, as well as the sender's postal address.

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- **Subject lines** - Commercial e-mail senders must use **honest** subject lines. Using misleading or bogus subject lines to trick readers into opening messages is not allowed.

Many states have already enacted **anti-spam legislation**. The CAN-SPAM Act is intended to supersede - or replace – *most* state or local anti-spam laws. (There are limited exceptions for state laws, such as those that are related to deceptive trade practices or "computer crime." In those areas, state laws supersede the Act.)

What Is the Federal Communications Commission's (FCC) Role?

Currently the FCC does not regulate the Internet or the services provided over it. However, the FCC is considering implementing rules that protect consumers from the costs and inconveniences that result from unwanted commercial messages sent to **wireless** devices. The FCC is considering methods that give consumers the ability to avoid receiving unwanted commercial messages sent to their wireless devices.

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How Can You Reduce the Amount of Spam that You Receive?

- Don't display your e-mail address in public. This includes newsgroups, chat rooms, Websites, or in an online membership service's directory.
- Check the privacy policy when submitting your e-mail address to any Website. Find out if the policy allows the company to sell your e-mail address.
- Before you transmit personal information through a Website, make sure you read through and understand the entire form. Some Websites allow you to opt out of receiving e-mail from their partners – but you may have to uncheck a preselected box if you want to do so.
- You may want to use two e-mail addresses – one for personal messages and one for newsgroups and chat rooms. Also consider using a disposable e-mail address service that creates a separate e-mail address that forwards messages to your permanent account. If one of the disposable addresses starts to receive spam, you can turn it off without affecting your permanent address.
- Try using a longer and unique e-mail address. Your choice of e-mail addresses may affect the amount of spam that you receive. A common name like "mjones" may get more spam than a more unique name like da110x110. Of course it's harder to remember an unusual e-mail address.

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- Use an e-mail filter. Some service providers offer a tool that filters out potential spam or channels spam into a bulk e-mail folder. *Note:* You may also want to consider these options when choosing which Internet Service Provider (ISP) to use.

What Should You Do If You Receive Deceptive or Repeated Unsolicited E-Mail?

If you receive deceptive e-mail, report it to the FTC. If you receive an unwanted legitimate commercial e-mail, respond to the sender to state that you do not want to receive further e-mail from that sender. If you then receive subsequent commercial messages from that sender—more than 10 days after your request would have been received, you may report that to the FTC. Send a copy of such unlawful messages to uce@ftc.gov.

To file a complaint or to get free information on consumer issues, visit www.ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357) voice; or 1-866-653-4261 TTY.

If you have questions about unsolicited commercial messages to wireless devices, contact the FCC,
toll free, at
1-888-CALL-FCC (1-888-225-5322) voice,
or 1-888-TELL-FCC (1-888-835-5322) TTY.

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